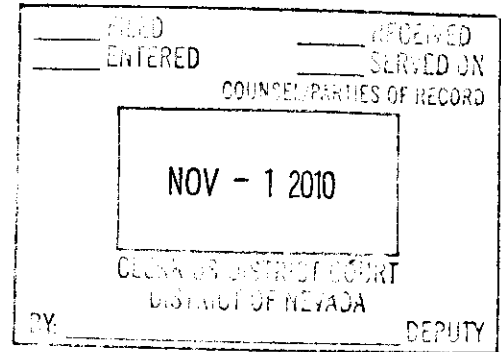


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 3 ERICKSON THORPE & SWAINSTON  
 4 99 West Arroyo Street  
 5 Reno, Nevada 89509  
 6 (775)786-3930  
 7 (775)786-4160  
 8 Attorneys for Defendants



6 UNITED STATES DISTRICT COURT  
 7 DISTRICT OF NEVADA

9 BONNIE DUKE,

Case No. 3:09-cv-00739-RAM

10 Plaintiff,

11 vs.

**REQUEST FOR CLARIFICATION**

12 CITY OF FERNLEY, KELLY MALLOY,  
 13 TODD CUTLER, DONALD PARSON, SR.,  
 14 MONTE MARTIN, CURT CHAFFIN, AND  
 15 CAL ELRICH,

16 Defendants.

17 Defendants CITY OF FERNLEY, KELLY MALLOY, TODD CUTLER, DONALD  
 18 PARSON, SR., MONTE MARTIN, CURT CHAFFIN, AND CAL ELRICH, (hereinafter  
 19 "Defendants") by and through their counsel, REBECCA BRUCH, ESQ., and CHARITY  
 20 FELTS, ESQ., of ERICKSON, THORPE & SWAINSTON, hereby request for clarification  
 21 regarding defendant attendance at Early Neutral Evaluation.

22 This Court is currently scheduled to conduct an Early Neutral Evaluation in the above-  
 23 referenced case on Monday, November 8, 2010, at 1:30 p.m. Defendants are being  
 24 defended and indemnified under their agreement with the Nevada Public Agency Insurance  
 25 Pool ("Pool"). The Pool will be represented by Dan Hamlin, who has full and final  
 26 settlement authority in this case.

27 Defendants seek clarification as to what other defendants the court would like to be  
 28 in attendance. Specifically, former Mayor Todd Cutler now is the superintendent of the  
 Lassen County School District, and resides in Susanville, California. We do not believe his

1 presence and participation are critical to the process. Likewise, we do not believe that  
2 councilmembers Martin, Chaffin or Elrich have other than a minor role in this case. Ms.  
3 Duke's allegations center almost exclusively around conduct by Ms. Malloy and Mr. Parsons,  
4 and we would anticipate the Court would want them to attend.

5 We would anticipate that City Attorney Brandi Jensen would attend as representative  
6 for the City of Fernley.

7 Based on the foregoing, Defendants would request that former Mayor Todd Cutler and  
8 councilmembers Martin, Chaffin and Elrich be excused from participating in the ENE.

9 DATED this 1st day of November, 2010.

10 ERICKSON, THORPE & SWAINSTON, LTD.

11  
12 By: /s/ Rebecca Bruch  
13 REBECCA BRUCH, ESQ. (# 7289))  
14 CHARITY F. FELTS, ESQ. (#10581)  
15 Attorneys for Defendants

16  
17 **IT IS SO ORDERED**  
18 *Valerie O. John*  
19 **U.S. MAGISTRATE JUDGE**  
20 **DATED:** *November 1, 2010*  
21  
22  
23  
24  
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28

**CERTIFICATE OF SERVICE**

Pursuant to FRCP5(b), I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD., 99 West Arroyo Street, Reno, Nevada 89509; and that on this date I served a copy of the **REQUEST FOR CLARIFICATION** foregoing document by U.S. District Court CM/ECF Electronic Filing to:

**ALLEN D. GIBSON, ESQ.**  
**165 W Main Street. Suite B**  
**P.O. Box 1960**  
**Fernley, NV 89408**

DATED this 1st day of November, 2010.

/s/ Sara B. Pastore /s/